



FREDERICK COUNTY PLANNING COMMISSION

November 18, 2020

TITLE: **Provident Electric**

FILE NUMBER: **SP19964, (APFO A19965, FRO F19966)**

REQUEST: **Site Development Plan Approval**

The Applicant is requesting Site Plan approval to add an electrical contractor's office within an existing building (previously approved for Professional Office and Beauty shop). A new 4,500 SF storage building for the electrical contractor's use is also proposed.

PROJECT INFORMATION:

ADDRESS/LOCATION: 4253 Old National Pike, Lot 602 Fountaindale South
TAX MAP/PARCEL: Tax Map 65, Parcel 48
COMP. PLAN: General Commercial (GC)
ZONING: General Commercial (GC)
PLANNING REGION: Middletown
WATER/SEWER: W-1, S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Provident Electric
OWNER: 4253 Old National LLC
ENGINEER: Terra Solutions, LLC

STAFF: Jerry Muir, Principal Planner I

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1 – Rendered Site Plan
Exhibit 2– Architectural Drawings
Exhibit 3- APFO Letter of Understanding

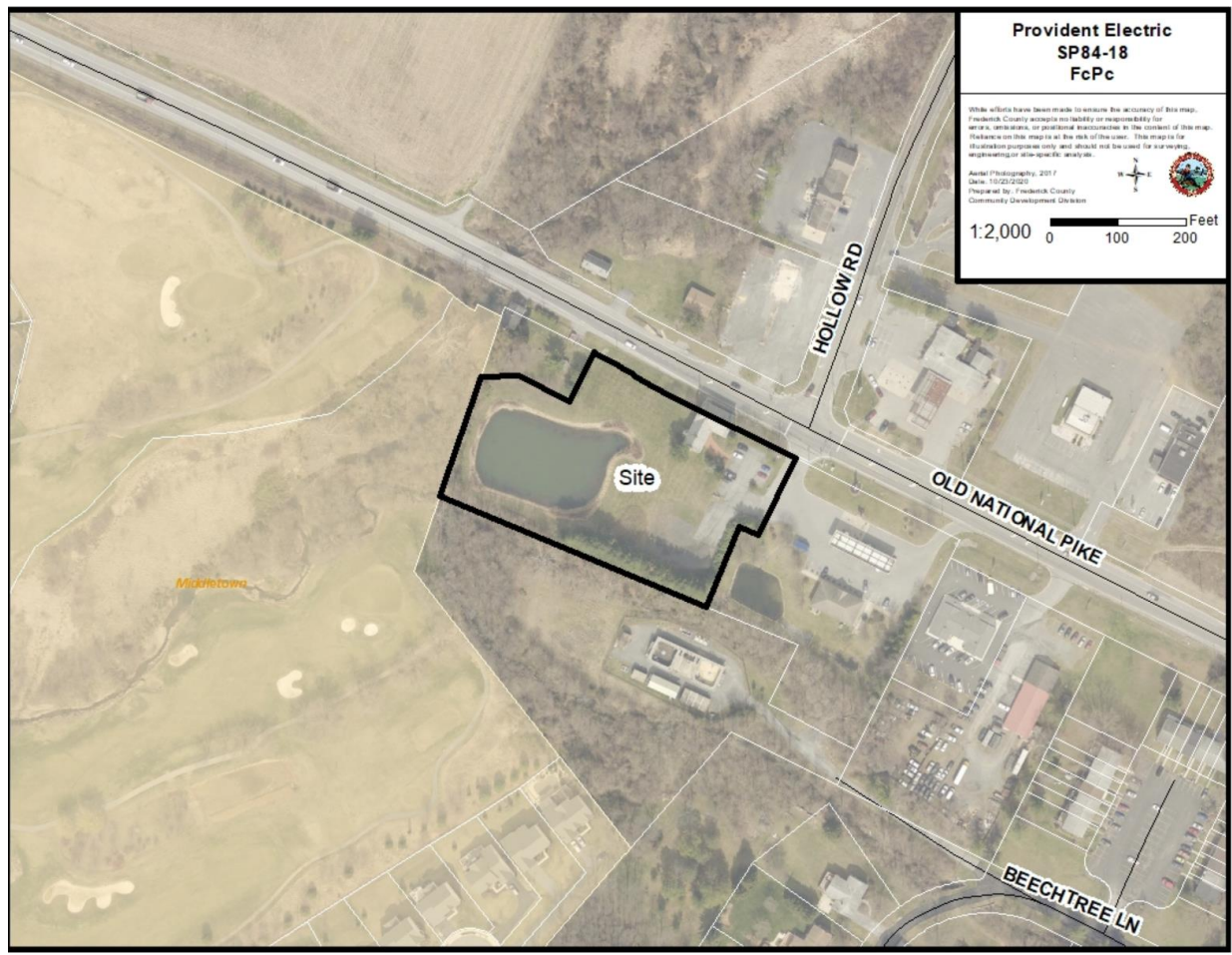
STAFF REPORT

ISSUE

The Applicant is requesting Site Plan approval to establish two or more general commercial uses on one lot as permitted under the Planned Commercial/ Industrial Development method per Section 1-19-10.300 of the Zoning regulations. The existing office building on site will house both the Provident Electric office as well as the existing Professional Office. The Applicant is also proposing a 4,500 SF electrical contractors storage building to be built to the rear of the existing structure for use by Provident Electric as a contractor storage building.

The proposed uses are being reviewed under §1-19-5.310 (Use Table) of the Zoning regulations. Professional office uses are listed under “*Commercial Business and Personal Services*” and the electrical contractor use falls under the “Carpentry, electrical, plumbing, welding, printing, upholstery” use under *Commercial Business and Personal Services* under 1-19-5.310 of the Zoning regulations are principal permitted uses in the General Commercial (GC) Zoning District subject to site development plan approval. The Site will also be reviewed per Section 1-19-10.300, Planned Commercial/ Industrial Development.

Figure 1: Site Vicinity Map – Aerial Image



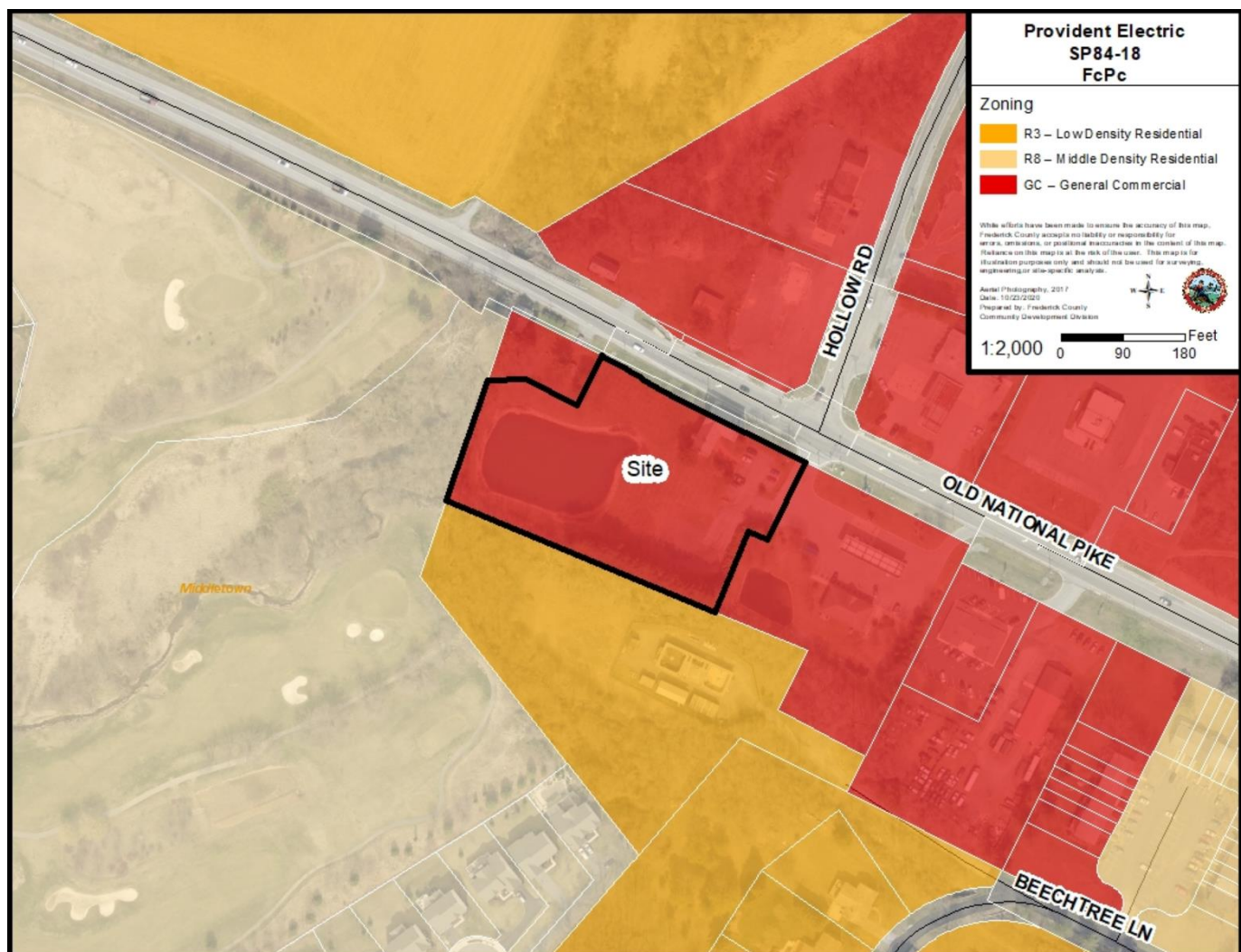
BACKGROUND

Development History: The Site has an existing building known as Motter's Tavern that was built in the very early 1800s. J.F. Brown & Associates (professional office) was established by SP 84-18. A change of use site plan was approved in 2010 SP-84-18B to establish a Beauty Salon in the building that has since closed.

Existing Site Characteristics: The Site is relatively fully developed with a SWM pond to the west. There is a small open area where the contractor's storage will be built. There is floodplain on the west side of the Site and flooding soils are also present on the property.

Surrounding Land Uses: The Site adjoins commercial properties on the eastern boundary and north across Route 40. There is a golf course and residential uses to the west (within the Town of Middletown) and residentially zoned land to the south.

Figure 2: Zoning Map



ANALYSIS

Summary of Development Standards Findings and Conclusions

The site plan meets all dimensional/bulk standards, signage, lighting, and landscaping requirements. Access off the common drive for Fountaindale South has been found to be adequate and sight distance sufficient.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning regulations.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** The proposed Site Development Plan adheres to the lot dimensions required for a commercial use in the general commercial zone as established in Section 1-19-6.100.

The proposed setbacks for the storage facility are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	12, 000 sf	2.62 ac.
Minimum Lot Width	100'	335'
Front Yard	25'	75.2'
Side Yard	8'	62.6'
Rear Yard	25'	106.2'
Max Building Height	60'	40'

Signage §1-19-6.300: Per the Zoning regulations the maximum signage allowed for business identification in the GC zoning district is 10 x the square root of the front length of the principle building (50.5 FT) = 71 SF. Per note 9 there will be two 32 SF signs for a total of 64 SF.

The maximum height allowed is 25 feet and the setback is ½ the building setback or 12.5'. Both proposed signs are 10' high and meet the setback requirement.

2. **Landscaping & Screening §1-19-6.400**

The existing parking area pre-dates current Zoning regulation requirements for canopy coverage. Additional shrubbery is proposed in the parking islands to supplement existing trees. An evergreen screen for the storage area and parking is already in place.

10 street trees are required on Old National Pike. Seven exist and three more are provided by this plan.

4. **Lighting §1-19-6.500:** All lighting is existing with the exception of the building mounted lights proposed for the new storage building. Lighting does not exceed 0.50 foot-candles at the property lines and is noted to be downward directed and shielded. **Note 11 must be revised to note the building mounted lighting on the storage building.**

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation & Pedestrian Circulation and Safety §1-19-6.220 (G):** Access to and from the Site is adequate. The existing access into and out of the Site is through the signalized commercial entrance at Old National Pike. There is no pedestrian access or sidewalks on this side of the road.
2. **Connectivity §1-19-6.220 (F):** Site connectivity is adequate with the High's store across the drive.
3. **Public Transit:** Public transit does not serve the Site.
4. **Vehicle Parking §1-19-6.220:** Parking standards are established for both uses in the Zoning regulations. Note 3 on the site plan accurately illustrates the parking required for the Site.

The office use requires 16 parking spaces (4,750 SF /300) and the storage building requires 5 parking spaces 4,500 SF/1,000), for a total parking requirement of 21 spaces, and 21 are provided, including two HC. Two spaces are shown in the gravel area to serve the storage building.
5. **Loading §1-19-6.210. (B):** The 9,250 SF of the office and storage requires one large loading space and one is shown on the plan.
6. **Bicycle Parking §1-19-6.220 (H):** In accordance with § 1-19-6.220(H)(1), the office building is less than 5,000 SF and no bike parking is required.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The Site is classified as W-1, S-1 with utilities existing on site.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site is sloping to the west toward the SWM pond.
2. **Vegetation:** Other than existing on site and proposed landscaping there is no significant vegetation.
3. **Sensitive Resources:** FEMA floodplain and flooding soils are mapped on this Site. No development within the FEMA or the required 25' setback is proposed. A geotechnical study was conducted on the Site to establish the flooding soils line (MoB soils). The area to the east of that

line was found to be heavily filled over the years with nonflooding soils to support the construction of the pond, Route 40 and its associated drainage, and the entrance to this lot and Fountaindale South. The area proposed for development is not within a sensitive area.

4. **Natural Hazards:** There is mapped FEMA floodplain on the Site to the east of the existing and proposed buildings. The 25' floodplain buffer is shown on the plan. Development is not proposed within the FEMA floodplain or the required 25' buffer.

Other Applicable Regulations

Section 1-19-10.300 Planned Commercial/ Industrial Development

This section allows a single lot to be developed with multiple uses in a planned, orderly manner. There are design standards associated with this development method.

Layout: The plan shall provide an organized and unified design for buildings, roads, pedestrian access and open space. Staff believes this plan meets these criteria.

Use: All uses shall be identified on the plan and shall be in accordance with the underlying zoning. Two uses are identified; Professional Office and electrical contractor office and storage.

Bulk Regulations: Setbacks and height may be established by the Planning Commission based on the underlying zone and other factors. In this case the standard General Commercial zone setbacks and height are being complied with.

Building separation: The minimum distance required is 10' and is exceeded here.

Off Street Parking: Must be in accordance with Section 1-19-6.220 and that standard is met on the plan.

Minimum landscaping, lighting, signage, etc. must be provided in accordance with the Zoning regulations and is shown as such on the plan.

A planned development must comply with all applicable supplementary district regulations, and this plan does comply with the applicable sections.

Stormwater Management – Chapter 1-15.2: The disturbed area for construction is less than 5,000 SF and SWM will be addressed during the construction drawing review.

APFO – Chapter 1-20:

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project Site is classified as W-1/S-1. No additional water and sewer taps are required. While the public sewer facilities are currently adequate to serve the Project, the Applicant recognizes that capacity is not guaranteed until purchased.

Road Improvements: This Project generates 8 am and 9 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent street, per Section 1-20-30.

In accordance with Section 1-20-12(H) of the APFO, the Applicant is required to pay its proportionate contributions toward existing road escrow accounts, a total of \$1,125, as noted in the attached Letter of Understanding (LOU).

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on November 18, 2023

Forest Resource – Chapter 1-21

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan. The property contains no forest or specimen trees. The Applicant proposes to mitigate the afforestation requirement by payment of fee-in-lieu. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

Conditions of Approval

FRO mitigation (payment of fee-in-lieu) must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Summary of Agency Comments

Other Agency or Code Requirements	Comment
Public Works Development Review (PWDR):	Approval
Development Review Planning:	Approval
DUSWM:	Approval
Street Name Review	Approval
Health Dept.	Approval
Office of Life Safety	Approval
Traffic Engineering	Approval
APFO	Approval
FRO	Approval
	Approval

RECOMMENDATION

Staff has no objection to conditional approval of this Site Development Plan. If the Planning Commission conditionally approves the Site Development Plan, the Site Plan and APFO approval is valid for a period of three (3) years from the date of Planning Commission approval (valid through November 18, 2023).

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. Revise note 11 to account for the building mounted lights on the storage building.
3. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** SP19964, APFO A19965, FRO F19966, including APFO approval, per the conditions as listed in the staff report for the proposed Provident Electric development based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1: Rendered Site Plan

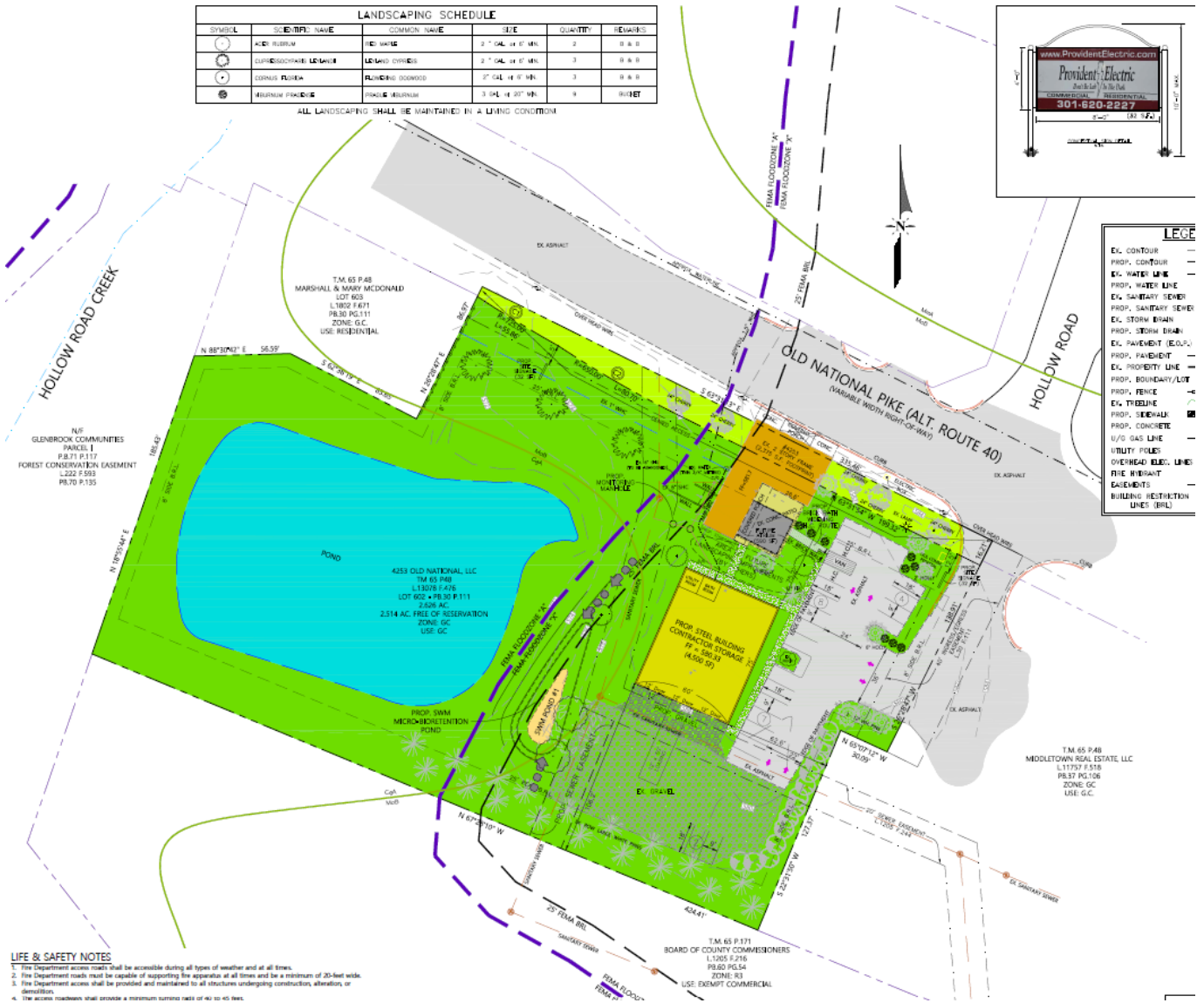
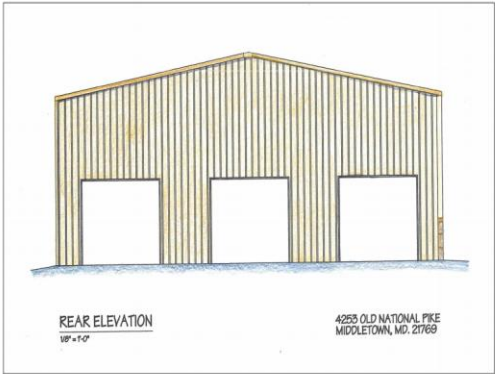
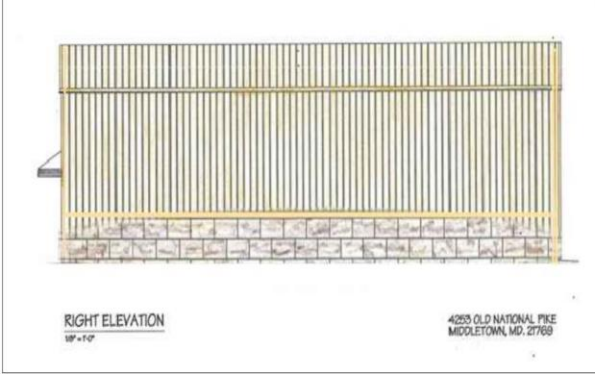


Exhibit 2: Architectural Drawings



Letter of Understanding



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING AND PERMITTING
Department of Development Review and Planning

Jan H. Gardner
County Executive

Steve Horn, Division Director
Mike Wilkins, Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Provident Electric-Lot 602 Fountaindale South

SP19964; A19965; File #SP84-18

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Larry Touchet, Provident Electric ("Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Provident Electric - Lot 602 Fountaindale South site plan (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 2.626 +/- acre parcel of land, which is zoned GC (General Commercial) and located in the southwest quadrant of Old National Pike (MD 75) and Hollow Road. This APFO approval will be effective for the continued use of a 4,750 SF office building and the new development of a 4,500 SF accessory storage building for electrical storage, as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on November 18, 2020.

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project site is classified as W-1/S-1. While the public sewer facilities are currently adequate to serve the Project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

30 North Market Street, Frederick, MD 21701 • 301-690-1153 • Fax 301-690-1645
www.FrederickCountyMD.gov

Road Improvements: This Project generates 8 am and 9 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent street, per Section 1-20-30.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow accounts in the Project area:

1. Escrow Account No. 3786 for the signal at the intersection of Old National Pike/Hollow Road – The cost of the improvement is \$184,439. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.61%. Therefore, the Developer hereby agrees to pay \$1,125 to the escrow accounts for these Road improvements.

A total of \$1,125 for the escrow payment described above must be paid to the County by the Developer, its successors or assigns, prior to the issuance of any building permit for the Project. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on November 18, 2023.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures next page]

DEVELOPER: Larry Touchet, Provident Electric

By: 

Larry Touchet, Owner

Date: 10/16/2020

FREDERICK COUNTY PLANNING COMMISSION:

By: _____

Chair or Secretary

Date: _____

ATTEST:

By: _____

Gary Hessong, Deputy Director

Date: _____

*Planner's Initials: Date _____
(Approved for technical content)*

*County Attorney's Office Initials: Date _____
(Approved as to legal form)*

